

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

Peter O. Larsen, Esq. (*pro hac vice* admission pending)
Raye Elliott, Esq. (*pro hac vice* admission pending)
Steven R. Wirth, Esq.
AKERMAN LLP
50 North Laura Street, Suite 3100
Jacksonville, FL 32202
Telephone: (904) 798-3700
Facsimile: (904) 798-3730
Email: peter.larsen@akerman.com
raye.elliott@akerman.com
steven.wirth@akerman.com

Bradford J. Sandler, Esq.
Paul J. Labov, Esq.
Edward A. Corma, Esq.
PACHULSKI STANG ZIEHL & JONES LLP
1700 Broadway, 36th Floor
New York, NY 10019
Telephone: (212) 561-7700
Email: bsandler@pszjlaw.com
plabov@pszjlaw.com
corma@pszjlaw.com

Counsel to Plaintiff / Plan Administrator

In re:

20230930-DK-BUTTERFLY-1, INC. f/k/a Bed Bath &
Beyond, Inc., *et.al.*,¹

Debtors.

MICHAEL GOLDBERG, as Plan Administrator for
20230930-DK-BUTTERFLY-1, INC. f/k/a Bed Bath &
Beyond, Inc.,

Plaintiff,

v.

TEXAS COMPTROLLER OF PUBLIC
ACCOUNTS, an agency of the State of Texas,

Defendant.

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

Adversary No. 25-01184 (VFP)

¹ The last four digits of Debtor Bed Bath & Beyond, Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtor's claims and noticing agent at <https://restructuring.ra.kroll.com/bbby/>.

**APPLICATION IN LIEU OF MOTION IN SUPPORT OF
ENTRY OF STIPULATION AND CONSENT ORDER
EXTENDING DEFENDANT'S TIME TO ANSWER COMPLAINT**

TO: HONORABLE VINCENT F. PAPALIA
United States Bankruptcy Judge

Michael Goldberg, in his capacity as the Plan Administrator (the "Plan Administrator") or "Plaintiff") to 20230930-DK-Butterfly-1, Inc. (the "Wind-Down Debtors") (f/k/a Bed Bath & Beyond Inc. and affiliated Debtors, the "Debtors"),² by and through his undersigned counsel, hereby submits this application in lieu of motion (the "Application"), pursuant to D.N.J. LBR 9019-4(b), seeking the approval and entry of the *Stipulation and Consent Order Extending Defendant's Time to Answer Complaint* (the "Stipulation"),³ a copy of which is attached hereto as **Exhibit 1**, and respectfully states as follows:

1. On April 23, 2023 (the "Petition Date"), each of the Debtors filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the District of New Jersey (the "Court"). The cases were jointly administered under the lead *case*, *In re Bed Bath & Beyond, Inc.*, et al., Case No. 23-13359 (VFP) (Bankr. D.N.J.).

2. On April 23, 2025, the Plan Administrator filed an adversary complaint against the Texas Comptroller of Public Accounts, an agency of the State of Texas ("Defendant" and together with Plaintiff, the "Parties"), thereby commencing the above-captioned adversary proceeding.

² Pursuant to the Certificate of Amendment of the Certificate of Incorporation of Bed Bath & Beyond Inc., which was filed with the State of New York Department of State on September 21, 2023, the name of the entity formerly known as "Bed Bath & Beyond Inc." was changed to 20230930-DK-Butterfly, Inc. [Filing ID No. 230921001833 DOS ID 315602].

³ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Stipulation.

3. On April 24, 2025, the Clerk of Court issued the Summons and Notice of Pretrial Conference in an Adversary Proceeding [Adv. D.I. 2] (the "Summons").

4. On June 9, 2025, the Plan Administrator filed an Application in Lieu of Motion in Support of Entry of Stipulation and Consent Order Extending Defendant's Time to Answer Complaint [Adv. D.I. 6], wherein the deadline for Defendant to answer or otherwise to respond to the Complaint was extended to July 21, 2025.

5. To avoid the cost of litigation while the Parties attempt to resolve the asserted claims, the Parties have agreed to further extend the deadline for Defendant to answer or otherwise respond to the adversary complaint. Pursuant to the Stipulation, the deadline for responses to the Complaint will be extended to September 22, 2025.

6. This Application is submitted pursuant to Local Rule 9019-4(b) in lieu of a motion in support of the Parties' request that the Court enter the Stipulation as presented. The Stipulation is in the best interests of the Wind-Down Debtors and the Parties, as the agreed extension of the answer deadline will allow the Parties time to seek a resolution of the adversary proceeding and will allow the adversary proceeding to proceed in an orderly and efficient manner.

Dated: July 17, 2025

AKERMAN LLP

By: /s/ Steven R. Wirth

Steven R. Wirth, Esq.

Email: steven.wirth@akerman.com

Raye C. Elliott, Esq. (*pro hac vice* admission pending)

Email: raye.elliott@akerman.com

401 East Jackson Street, Suite 1700

Tampa, Florida 33602

Telephone: (813) 223-7333

Facsimile: (813) 223-2837

and

Peter O. Larsen, Esq. (*pro hac vice* admission pending)
Email: peter.larsen@akerman.com
50 North Laura Street, Suite 3100
Jacksonville, Florida 32202
Telephone: (904) 798-3700
Facsimile: (904) 798-3730

and

PACHULSKI STANG ZIEHL & JONES LLP

Bradford J. Sandler, Esq.
Paul J. Labov, Esq.
Edward A. Corma, Esq.
1700 Broadway, 36th Floor
New York, NY 10019
Telephone: (212) 561-7700
Facsimile: (212) 561-7777
Email: bsandler@pszjlaw.com
plabov@pszjlaw.com
ecorma@pszjlaw.com

Counsel for the Plan Administrator